

### **REMARKS/ARGUMENTS**

Claims 1-13 were pending in the instant application. Claims 1, 9 and 12 have been cancelled. Claims 2-3, 5, 11 and 13 have been amended to more particularly point out and distinctly claim that which Applicants consider to be their invention. The amended claims 2-3, 5, 11 and 13 are fully supported in the specification as originally filed. Therefore, the amendments to claims 2-3, 5, 11 and 13 do not add new matter. Applicants respectfully request that the amendments be entered.

Upon entry of the above-made amendments claims 2-8, 10-11 and 13 will be pending in the current application.

The following remarks, in conjunction with the above amendments, are believed to be fully responsive to the Office action.

#### **Obviousness Double Patenting Rejection**

Claims 1-8 and 10-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 21, 23-26, 28 and 29 of co-pending Application No. 12/053,829. In response, Applicants submit that a terminal disclaimer will be filed once the instant application is indicated as allowable.

Further, claims 1-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-12, 19, 23-27 and

30 of copending Application No. 11/570,090. In response, Applicants submit that a terminal disclaimer will be filed once the instant application is indicated as allowable.

Additionally, claims 1-8 and 10-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 9, 13 and 14 of copending Application No. 11/813,445. In response, Applicants submit that a terminal disclaimer will be filed once the instant application is indicated as allowable.

Still further, claims 1-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 8-10 of copending Application No. 12/141,123. In response, Applicants submit that a terminal disclaimer will be filed once the instant application is indicated as allowable.

#### **Claim rejections – 35 USC § 112**

Claims 1-13 are rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response, Applicants specifically address each point below.

#### **“arginine mimetic”: Claims 1-13.**

Claim 1 has been cancelled, so this objection is now moot. The definition of X<sub>3</sub> in amended, claim 2 excludes the term “mimetic”.

#### **“such as” : Claim 2 line 9.**

Claim 2 has been amended to resolve this objection.

**“derivatives”: Claim 2 line 12 and claim 5 line 4.**

The offending phrase has been deleted from both claim 2 and claim 5. An opportunity has been taken to correct a typographical error in claim 5, ie. ‘diaminoalicylic’.

**“biomodifier moiety”: Claim 2 line 14.**

The definition of a preferred “biomodifier” has been taken from the specification – page 8 lines 9 to 12, and inserted into claim 2. That is analogous to cognating claim 9 into claim 2 – hence claim 9 has been cancelled.

**“such as”: Claim 5 line 2.**

A similar amendment to claim 2 (above) has been made.

**Claim 11.**

The format of claim 11 has been amended to clarify the scope of this claim.

**Claim 12.**

Claim 12 has been cancelled.

**Claim language: Claim 13.**

The language of claim 13 has been amended to clarify the scope of the claim. The claim has been made more concise by reference to amended claim 11.

**Claim rejections – 35 USC § 101**

Claim 11 has been rejected because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process. Specifically, the amendment to claim 11 described in (2) above renders this objection moot. Therefore, claim 11 is now believed to be in condition to be allowable.

**Claim rejections – 35 USC § 102**

Claim 1 stands rejected as being anticipated over Klaveness (US 6,331,289). Claim 1 has now been cancelled, so this objection is believed moot.

**COMMENTS/NOTES.**

**DE 19808591 A1**

The Examiner requested a copy of this document. A copy is provided with this Response.

**Claim 3 dependency.**

Claim 3 is dependent on Claim 2, hence the definitions of R<sub>a</sub>, X<sub>1</sub>, X<sub>5</sub> and X<sub>7</sub> do not need to be repeated. That text has been deleted. The reference to X<sub>3</sub>, G and D of Claim 1 has been clarified.

**“capable of”: Claims 2 and 3.**

Claims 2 and 3 have been amended to address this issue.

For Claim 2, applicants refer to the fact that the compound of Formula I is required to comprise two cyclising bridges. The specification describes the options possible at page 9 lines 17 to 26. Claim 2 has been amended to clarify that the residues R<sub>a</sub>, X<sub>2</sub>, X<sub>4</sub> and R<sub>6</sub> are cyclised, but permutations exist for the location of the bridges. Amended Claim 2 is believed clear.

Claim 3 has been amended to clarify matters by referring to Formulae III, IV or V in the definitions of X<sub>2</sub>, X<sub>4</sub> and X<sub>6</sub>.

Claims 2-8, 10-11 and 13 are all believed to be allowable in view of the claim amendments and over the cited prior art.

**CONCLUSION**

Applicants respectfully hold that the claims submitted herewith fulfill the requirements of a patentable invention and that all rejections and objections be withdrawn and claims 2-8, 10-11 and 13 be allowed.

Appl. No. 10/560,062  
Amdt. Dated March 23, 2009  
Reply to Office Action of Dec. 23, 2008

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

/Craig Bohlken/

Craig Bohlken  
Reg. No. 52,628

GE Healthcare, Inc.  
101 Carnegie Center  
Princeton, NJ 08540  
Phone (609) 514-6530